

**CRIMINAL JUSTICE SERVICES BOARD
COMMITTEE ON TRAINING**

MINUTES

June 11, 2009

A meeting of the Criminal Justice Services Board Committee on Training (COT) convened at 9:03 a.m. on Thursday, June 11, 2009, in House Room D of the General Assembly Building, in Richmond, Virginia.

Members Present:

Ms. Kathy Brame (*Proxy for Gene Johnson, Director, Department of Corrections*)
Mr. Robert L. Bushnell
Mr. Kevin S. Hodges
Chief James R. Lavinder
Mr. Edward M. Macon (*Proxy for The Honorable Karl R. Hade, Executive Secretary, Supreme Court of Virginia*)
Dr. Jay W. Malcan
Sheriff Charles W. Phelps, Chair
Ms. Marlene Randall
Captain Lenmuel S. Terry (*Proxy for Colonel Steve Flaherty, Superintendent, Virginia State Police*)
Mr. Sherman C. Vaughn
Mr. Christopher R. Webb

Members Not Present:

Sheriff Beth Arthur
Sergeant Charles J. Condon
Chief Alfred Jacocks, Vice Chair

DCJS Staff Present:

Leon Baker
Ron Bessent
John Colligan
Sharon Gray

Judith Kirkendall
Paul Ludwig
Lisa McGee
Thomas E. Nowlin

Mandie Patterson
Beth White

Others Present:

Mary Alford, *New River Criminal Justice Academy*
Jim Chapman, *Roanoke County Police Academy*
Chris Cook, *Newport News Police Department*
Ron Dionne, *Federal Law Enforcement Training Center*
Ramarr Drudhum, *Fairfax County Sheriff's Office*
George Haudricourt, *A.D.T.*
Stacy Kelly, *Newport News Police Department*
Sherri Neil, *City of Portsmouth*
Albert C. Oglesby, *Northern Virginia Criminal Justice Academy*
Bill O'Toole, *Northern Virginia Criminal Justice Academy*
David L. Rogers, *Department of Corrections/Academy for Staff Development*
Ronald Staton, *Central Virginia Criminal Justice Academy*
Dave Vice, *Rappahannock Regional Criminal Justice Academy*

Call To Order:

Sheriff Phelps called the meeting to order. The roll was called with eleven (11) members present, representing a quorum. (*Mr. Bushnell arrived at 9:05 a.m.*) Chairman Phelps noted that the minutes of the last meeting had been mailed to the members and asked if there were any questions or comments regarding the minutes. Hearing none, he asked for a motion to approve the minutes. Mr. Vaughan made a motion to approve the minutes; Ms. Randall seconded, and the minutes were approved unanimously.

Chairman Phelps mentioned that Judy Kirkendall had asked to amend the agenda, under New Business, to include an item on the Curriculum Review Committees (CRC), which had been overlooked during the May meeting. Mr. Webb made a motion to include this item under New Business. Mr. Hodges seconded, and the motion was passed unanimously.

Old Business:

Report on Academy Recertification.

Chairman Phelps reminded that during the last meeting of the Committee on Training, the Virginia Association of Directors of Criminal Justice Training (VADCJT) requested to revisit

their suggestions on academy recertification standards and present at the June meeting of the COT. He introduced Ron Staton, VADCJT President, to report on the subcommittees' suggestions. A copy of the letter from the VADCJT to Sheriff Phelps and a copy of the association's recommendations on academy recertification standards were distributed to the members. *(Copies are available upon request.)*

Mr. Staton stated in 2008 George Gotschalk asked the association to assist in revising three items: training exemptions, field training for officers, and academy recertification standards. He noted that the association updated the COT on their progress during several meetings. However, his focus for the meeting would be on academy recertification. He reported that on May 27, 2009, Mr. Baker, staff and fourteen (14) members of the VADCJT met at the Department of Corrections to discuss various issues. He stated during past meetings of the COT, Mr. Webb asked for guidance on how the academies could meet the standards, and Mr. Bushnell asked for various levels of compliance as was suggested earlier by the VADCJT. Mr. Staton mentioned that the current document presented by the association included the suggestions on how academies would meet the standards. He noted Mr. Baker's feedback related to the Department desire not to have varying levels of compliance.. Thus, academies would either be in compliance if they met the standards or not in compliance if the standards were not met. The association removed the levels of compliance from the document, with the option to reconsidering this at some point in the future if needed.

Mr. Staton advised that Mr. Baker had also suggested an academy recertification checklist to be sent to academy directors as a guideline for the audits. If a director discovered an area of non-compliance during the self-audit, the director be expected to note his/her finding, the corrective action taken and include this information it in the documentation. When the Department staff conducts the audit, they would note that the director of the academy had realized the deficiency or error and that it was caught and remedied prior to the Department's audit or recertification. He informed that the VADCJT was asking that the recommendations be approved by the COT.

Hearing no other comments, Mr. Webb made the motion to approve the document, and Mr. Terry seconded. Mr. Macon recused himself from voting. Hearing no other discussions, the motion was voted upon and carried unanimously.

Report on the Criminal Justice Training Advisory Committee.

Chairman Phelps stated over the past year there had been ongoing discussions about the academy recertification process. He introduced Mr. Baker to advise the Committee on the Department's requests in that regard. Mr. Baker noted one of the recommendations DCJS made during their discussions was to abolish the academy recertification committee. However, it was suggested that the committee could be used in a more productive manner in the future. He referred to the Criminal Justice Training Reference Manual, which provides for composition of the membership to the academy recertification committee, and requested the COT to appoint members to this committee. Mr. Webb suggested the possibility of having a Board member present at a final meeting of the academy recertification committee prior to presentation to the COT, to which Mr. Baker concurred.

Sheriff Phelps responded there would be no a need for a motion to appoint the committee members and asked staff to follow through with the formation of the committee.

New Business:

Rural Communities Law Enforcement Training

Chairman Phelps introduced Ron Dionne, Chief of the State and Local Training Management Division, Federal Law Enforcement Training Center (FLETC) to inform the Committee of a training program designed specifically to address the needs of rural law enforcement agencies and the program's potential applicability in Virginia.

Mr. Dionne mentioned that FLETC was a part of the Department of Homeland Security (DHS), and had been in existence for over twenty-six (26) years offering training for local law enforcement offices. He noted that he had been with the association for ten (10) years. Prior to that, he was a law enforcement officer in western United States.

Mr. Dionne stated rural law enforcement officers are an underserved population in getting quality training. He indicated that the State and Local Training Management of FLETC was hoping to change this by making training available to the rural law enforcement agencies. He gave a brief history of the program identifying the following areas:

Rural Policing Institutes

Mr. Dionne reported that according to sheriffs and police chiefs, the costs of free training over a period of time netted in significant costs associated with time away from active duty to attend this training. Mr. Dionne noted that a crime bill was passed by Congress in 1998 and with the inclusion of later studies and legislation; a proposal was made to Congress in May 2001 which led to the creation of the Rural Policing Institute. The institute was developed to work with criminal justice agencies throughout the country to determine their needs and provide appropriate training for their officers. Their programs would range from one day to one month in length and would also collaborate with the National Center for Rural Law Enforcement (NCRLE) for future development.

National Needs Assessment

Mr. Dionne indicated that there were varied types of training available for law enforcement officers and the Department of Justice recognized that there were duplicate efforts in training on the side of the federal government. He noted that the Office of Community Oriented Policing Services (COPS) had asked to do a study on the smaller communities. However, Congress directed that neither COPS nor FLETC would conduct the study as they wanted to ensure that the needs and concerns of law enforcement agencies across the country, including police chiefs, sheriffs, tribal chiefs, campus police, etc., would be recorded and have access to the national assessment.

Training Development

Mr. Dionne indicated after the national needs assessment, fifteen (15) employees devoted time in developing training programs that would be accessible by the officers and shorten the officers' time away from their agencies. In the past, training would last about two to three weeks. All

current training with the program would be less than five days in duration. Officers could access training in cyber crimes, fraud institutes, etc., by taking online courses. Thus, the officers could review the information electronically then spend time in a classroom setting.

Outreach

Mr. Dionne mentioned he had spoken at several rural agencies in southwestern Virginia to inform them of how they could benefit from the program. He advised that the training would be conducted by other trained officers (deputy sheriffs, state troopers, tribal officers, etc.), rather than having the officers receive the information from the federal platform. He also indicated that future plans involved the inclusion of subject-matter experts of various organizations to share information with the rest of the country. He noted that DHS recognized prosecutors as officers of the court, and the program could greatly benefit from their expertise.

Mr. Webb asked about the definition of rural. Mr. Dionne responded that it was defined as an agency with less than fifty (50) officers or an agency serving a community of less than fifty thousand (50,000) people. He noted this would account for approximately ninety-two percent (92%) of all of the law enforcement agencies in America. He added, in most cases, all counties bordering larger cities would be considered as urban or suburban and part of the metropolitan area. This would mean that rural areas represented only about fourteen percent (14%) of the agencies. He indicated that new language was passed to better identify rural areas and recognize their need for law enforcement training.

Sheriff Phelps thanked Mr. Dionne for his presentation and asked if there were any questions or comments. Hearing none, Mr. Dionne thanked the Committee for offering their assistance to their counterparts across the country.

Report on Meeting Related to Interest in a Separate Court Security Certification

Sheriff Phelps informed the committee that there had been concerns from several sheriffs for the training standards for courthouse security to be modified and separated from the combined Jailor/Courtroom Security/Civil Process training school. He introduced Judy Kirkendall to give a brief report on the request. Ms. Kirkendall advised that in March, she, Paul Ludwig and Sharon Gray met with representatives from the Lynchburg and other Sheriff's Offices about this concern. She noted some individuals wanted to reduce training from eight weeks to four weeks. She mentioned during the discussion they reviewed the various training categories with estimated hours of training. The deputies realized that there would be a significant liability to the sheriff's if they tried to remove certain requirements from their training.

Mr. Bushnell noted that everyone would need to be sufficiently trained in various categories to serve specific functions and asked why was there confusion regarding this. Ms. Kirkendall responded that some categories were not required to go through certain training because they did not perform specific functions. She noted that the difficulty was in the time required to receive the training. They concluded that everyone had to go through training in the high liability areas, which would generally take eight weeks.

Mr. Macon asked if the goal of the group was to save time and money. Ms. Kirkendall responded this could happen; however, they believed there would be potential safety issues for individuals

who were not in all related aspects.

Sheriff Phelps asked if there were any other questions or comments. Mr. Bessent said that the request came from the Sheriff in Lynchburg. He noted they had private security officers monitoring the magnetometers and the sheriff wanted to know if they would all have to go through the eight-week training as courtroom security officers. He indicated that Ms. Gray, Ms. Kirkendall, and Mr. Ludwig were able to explain to them the liability issues that could arise should the officers manning the magnetometer observe a situation that would include dealing with an individual who presents a firearm or having to use defensive tactics in subduing an individual. The officer would need to have proper training.

Addendum to Curriculum Review Committee

Chairman Phelps asked Ms. Kirkendall to inform the members on the Curriculum Review Committees (CRC) of the need for an addendum. Ms. Kirkendall reported during the May meeting of the COT, she inadvertently omitted the names of individuals serving as alternates. She asked for Committee's approval of the following individuals:

- Karl Vickers – Law Enforcement Curriculum Review Committee
- Captain Moser – Law Enforcement Curriculum Review Committee
- Corporal Lester. – Jails/Court Security/Civil Process Curriculum Review Committee

Mr. Bushnell made the motion to accept the alternates. Ms. Randall seconded, and the motion was passed unanimously.

Mr. Bushnell commended staff for getting the commonwealth's attorneys involved in the process of the CRC. He also advised that the Commonwealth's Attorneys Services Council had indicated they would gladly serve as adjunct members or legal advisors to lend their legal expertise to CRC meetings. Ms. Kirkendall agreed that this would be beneficial. Hearing no other questions or comments, Chairman Phelps moved to the next item.

Report Related to Numbering Changes in the Standards

Chairman Phelps mentioned during the March meeting of the COT, representatives of the Virginia Association of Directors of Criminal Justice Training indicated concerns regarding the numbering sequence of the standards whenever an item was added or deleted. The COT voted on a motion to ask staff to review these concerns and report their findings back to the Committee. He called upon Ms. Kirkendall to give a report to consider the use of the word "repeal" on training objectives.

Ms. Kirkendall reported she had spoken with Janet Schaefer, SFB Software Design, LLC, the author of ACE, the training records management system used by the Department and all of the academies. She noted the numbering of changes in the standards could be done. However, it would involve deactivating certain programs in order to re-program the entire system. Ms. Kirkendall stated that she and Thomas Nowlin had created a mock test inserting the word "repeal" by any of the numbers. She noted that the number of the standard would continue

to show, which meant that it would also show on the exam and affect the scoring system. She also indicated that she had hoped the modifications could be made to include the suggested 2009 changes to the standards in the year 2010.

Ms. Kirkendall stated that she would speak with Ms. Schaefer to determine the cost of making the changes. She also wanted to make sure that everything in ACE would be current to include a separate category for courtroom security, etc. She mentioned the entire process could take about three to four (3-4) months for completion. Once this was done, the changes would be made for the academies to download for their use.

Sheriff Phelps asked for any comments or questions. Hearing none he moved to the next item on the agenda.

Report on Firearms Review Committee

Chairman Phelps introduced Paul Ludwig to provide a report on review of the courses of fire and other firearms-related items. Mr. Ludwig stated they had put together a group of four to five firearms experts across the state to review the 25-yard course of fire. They observed that course of fire was too far and unsafe if shotguns were being taken out of the basic academy and used as specialized training. He noted that the side arm is used as a primary weapon officers carry at all times..

Mr. Ludwig advised they had used several of the firearms instructors from various academies who determined that students could be taught to move the shooter back and maintain a distance of twenty-five (25) yards between them to give the officer better range to use the weapon.

Mr. Bushnell indicated his concern that a good student might not become an officer if he could not pass the firearms requirement. He noted that Mr. Ludwig pointed out that one might be able to improve with proper firearms training from a good instructor and still become an effective officer. Mr. Bushnell asked if officers were trained in using rubber gloves to clear weapons in order to preserve evidence. Captain Terry responded that students are instructed in these matters during the interrogations portion of their training, which includes handling evidence and submitting evidence to the labs. Mr. Bushnell asked how often officers were asked to hold weapons and point at targets during the course of a year. Mr. Ludwig responded that officers were required to pass an annual firearms requirement.

Election of Officers

Chairman Phelps advised annually the Committee needed to vote on the offices of Chairman and Vice-Chairman. He also noted that two of the members - Sheriff Phelps and Chief Jacocks - whose terms were due to expire on June 30, 2009, were reappointed to serve on the Criminal Justice Services Board. He then opened the floor for nominations for the office of Chairman. Chief Lavinder nominated Sheriff Phelps. Captain Terry seconded, and Mr. Vaughan moved to close the nominations. Mr. Bushnell seconded. The motion was voted upon and carried unanimously. Sheriff Phelps accepted the election and thanked the members.

Chairman Phelps opened the floor for nominations for the office of Vice-Chairman. Chief

Lavinder nominated Chief Jacocks, and Ms. Randall seconded. The members voted, and the motion was carried unanimously.

Public Comment

Sheriff Phelps asked if there was anyone in the audience that would like to address the COT concerning matters within its purview. Hearing none, he moved to the next item.

Next Meeting

Sheriff Phelps advised that the next meeting of the Committee on Training was scheduled for Thursday, September 10, 2009.

Adjournment

A motion was made by Ms. Randall to adjourn the meeting. The motion was seconded by Mr. Vaughan and was carried unanimously. The meeting was adjourned at 10:47 a.m.

Respectfully submitted,

Thomas E. Nowlin
Recording Secretary

Approved: _____
The Honorable Charles W. Phelps
Chair

Date

Attachment(s)